

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHARD IDEN,

Plaintiff,

v.

CORRECTIONAL OFFICER SANCHEZ, et
al.,

Defendants.

Case No. 2:23-cv-01045-APG-NJK

ORDER

I. DISCUSSION

Plaintiff Richard Iden, who is incarcerated in the custody of the Nevada Department of Corrections (“NDOC”), initiated this case with a civil rights complaint pursuant to 42 U.S.C. § 1983 and an application to proceed in forma pauperis. ECF Nos. 1-1, 3. Iden has now filed a motion for voluntary dismissal. ECF No. 5.

Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). This case is currently at the screening stage, and Iden’s complaint has not yet been served on the Defendants. Accordingly, no responsive pleading has been filed, and I grant Iden’s motion to voluntarily dismiss this action.

II. CONCLUSION

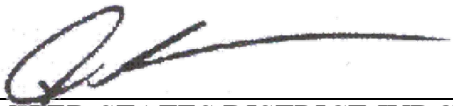
For the foregoing reasons, I order that the motion for voluntary dismissal (ECF No. 5) is granted.

I further order that this action is dismissed in its entirety without prejudice.

I further order the Clerk of the Court to enter judgment accordingly and close this case.

1 I further order that Iden's application to proceed *in forma pauperis* (ECF No. 3) is denied
2 as moot.

3 Dated: October 23, 2023

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7 UNITED STATES DISTRICT JUDGE
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